

REMARKS

The acknowledgment by the Examiner of a claim for foreign priority under 35 U.S.C. §119 and receipt of the priority document is noted with appreciation.

The specification has been carefully reviewed and amended to correct minor errors of idiomatic English, punctuation and spelling. Additionally, a correction clarifying the essence of the first step of the present invention has been done on page 3. Specifically, the fact that a cellular phone initially performs a registering operation has been highlighted. The support for this amendment is presented at least on page 7, line 23-24 of the specification and Figure 2, reference 101. No new matter is added by this amendment.

Claims 1 to 12 are active in the present application. Claims 5 to 8 have been withdrawn from consideration. By this amendment claims 1 and 3 have been amended to clarify the present invention and claims 9 to 12 have been added for the Examiner's consideration in order to emphasize the distinguishable features of the claimed method. Reconsideration of claims 1 to 4 and 9-12 in a view of further discussion is respectfully requested.

The present invention allows a user to remotely control a data-processing device (personal computer) via the Internet for operating home electric appliances such as video tape recorders, audio devices or like when a user is out and does not have a direct access to a personal computer. According to the invention, operation control data can be downloaded from a server and a preprogrammed operation for a personal computer at the user's home can be activated by a cellular phone call. In order to accomplish the invention, it is necessary first to store control data on a server on which is established the user's home page. Further, by using a portable device (cellular phone) registration of control data with the server via the Internet is performed. It is assumed that a user's home page on the server can contain several sets of control data for different situations and be later downloaded by giving a command to the personal computer via the cell phone. When control data is downloaded via the Internet from the server, the personal computer operates according to received remote control data in order to operate for instance home

electric appliances such as a video tape recorder or audio devices. Therefore, the present invention gives a user a convenience not to carry a portable data processing device (personal computer) with a keyboard or the like but to be able to control preprogrammed functions from a distance using a cellular phone. It is well known that today an access of a remote personal computer using another one is an easy task. However, a user does not always have an opportunity to carry a personal computer but wishes to have a chance to control a personal computer or home appliances with minimum equipment, and the present invention provides such opportunity.

More specifically, referring to Figure 1, wherein the system proposed by the Applicant is shown, cellular phone 3 and processing device (personal computer) 4 are connected to server 1 via Internet 5. In order to store control data on server 1 a user establishes a home page with control data information. Further, the user registers the control data on server by making a call from his/her cell phone 3. After that the user calls to processing device 4 and processing device 4 requests downloading of control data from server 1. Server 1 sends the stored remote control data to personal computer 4 which runs the home appliances following received control data.

Briefly, referring to claim 1, a remote control operation, according the present invention, includes the following actions:

- the server 1 connected to the Internet establishes a user's home page and stores control data in storage device for processing device operation;

- the user makes a phone call from his/her cellular phone (portable device 3) connecting to server 1 via Internet 5 in order to register the control data for operating the data processing device (personal computer 4);

- remote control data for controlling the personal computer 4 is registered on the user's home page in server 1;

- after that the connection between cellular phone 3 and server 1 via Internet 5 disconnects;

- the user calls by cellular phone 3 to personal computer 4 using a telephone

line;

personal computer 4 recognizes a call from the cellular phone as a signal for downloading the remote control data from server 1 to personal computer 4;

personal computer 4 accesses server 1 via the Internet 5 and downloads the remote control data from the user's home page on server 1 to personal computer 4;

after downloading data the connection between personal computer 4 and server 1 via Internet is stopped;

then the personal computer 4 operates based on the remote control data obtained from server 1 and runs home appliances as a user wishes.

By the present amendment, the Applicant intends to emphasize and clarify the unique features of the present invention. In order to improve of the claim language and point out to the several steps of the claimed process claims 1 and 3 have been amended and claims 9-12 have been added. Specifically, in order to clarify in the claims the fact that preliminary storing of remote control data in server 1 and further registration of this control data by a cell phone 3 takes place in the claimed system, claims 1 and 3 were amended. Specifically, now claim 1 recites, "A remote control method of remote-controlling a data processing device, comprising the steps of:

a step, performed by a server connected to the Internet, of storing control data by which the data processing device operates;

a step, performed by a portable device associated with the data processing device, of registering control data for operating the data processing device with the server via the Internet;..." (Emphasis added)

Added claims 9 to 12 include the limitations related to the user's home page on the server and the fact that the remote control data is used to operate home electric appliances. All these amendments are supported at least on pages 7 - 8 of the specification and Figures 1-2.

Claims 1 to 4 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Berstis (U.S. Patent No. 6,137,805) in view of Nathan (U.S. Patent No. 6,308,204), and further in view of Kelly (U.S. Patent No. 6,671,510).

This rejection is respectfully traversed for the reason that the combination of references relied on by the Examiner fails to show or suggest the claimed invention.

A main feature of the present invention as claimed in claims 1 and 3 is that a personal computer can execute various kinds of processes and be used in various situations without having the direct access of a user. The Applicant suggests to remote control a personal computer using a cellular phone and control processing device like a server. According to the present invention the Internet is used as a communication media.

Specifically, claim1 recites," ...a step, performed by a portable device associated with the data processing device, of registering control data for operating the data processing device with the server via the Internet;..."

The reference to Berstis is related to configuring a data processing system for Network Computer (NC) users. As it is well known, a Network Computer is a simplified form of PC which does not have overweight operating systems and specific applications, but can be used to browse the Internet and run applications on a server on the Internet or corporate intranet using a centralized server. Even though the NC is simple to use, most internet service providers still require the user to install the software and configure the software for the data processing system, and after that the consumer is required to call a service provider's server and send registration information and establish passwords along with other user information. For the reason that the NC users are mostly people without knowledge in computers, the invention to Berstis primarily aims to minimize and simplify for users a procedure of registration for service with a service provider. According to Berstis, a NC user can be easily recognized by a server through preprogrammed identification information (telephone number, user name) during establishment of the communication link without an additional effort from a user.

Specifically, referring to Figure 1 in Berstis, in order to receive an access to Internet 34 of the user units (Network Computers) 12, 14, 16 and 18, establish communication links 32 with server 30 through public switch telephone network 28. Server 30 allows users 12-18 to download data from the server 30 or access to

Internet 34 if the server 30 recognizes a caller identification. In other words, for the reason that the NC user unit needs to download configuration data from the server for functioning it could be done easily using a phone line wherein the particular user unit can be recognized by several types of identifiers. When the user unit is recognized by the server the configuration data is automatically downloaded through the same telephone line.

The Examiner erroneously finds that the present invention has a lot in common with the reference to Berstis. However, the invention to Berstis and the system proposed by the Applicant resolve different problems and are different structurally and functionally. The purpose of the present invention is to operate a PC in a distance using a cell phone. First, there is not any intention in Berstis to access a personal computer by a cell phone. Further, the present invention uses the Internet in order to connect a server with a personal computer for downloading processing data, whereas Berstis uses a phone line in order to connect user to the server. The Internet in Berstis is not used for communication with a user but it could be accessed by a user if a server recognizes that a user is registered. Additionally, a user is always presented in front of NC during all procedures, when in Applicant's invention a user does not have a physical contact with a personal computer in order to activate or run remote control data.

The main purpose of the present invention is to allow a user to operate his/her home PC using his/her cell phone. By making two phone calls a user can download processing data to a PC from a server via an Internet and further initiate running of the downloaded programs on a personal computer. It should be noted that, according to the present invention, it is a mandatory for a user to use the specific cell phone because its number will be recognized as a password for downloading and further program activation. In the claim language this condition is expressed as a "portable device (cell phone) associated with the data processing device".

The system to Berstis teaches two communicators which namely are a server and user unit, connected together by a telephone line. Berstis does not use a cell

phone in the communication. The Examiner admits on the page 3 of the Office Action that the reference to "Brestis does not specifically disclose that the remote device is portable, execution of the downloaded data or if the download is from data processing device". The Examiner states in the Office Action that the reference to Nathan et al. compensates for the deficiency of Berstis.

The patent to Nathan et al. resolves multiple problems of a jukebox as an audiovisual multitask reproduction system. The Examiner refers to the reference to Nathan (column 3, lines 10-24, co. 7, lines 12-15, 27-30 and col.4, lines 9-23) as disclosing a data processing device, which downloads the control data from the server. It is true that digitized audio or video files can be downloaded from the local server via telephone network, but there is no indication in Nathan et al. that a user attempts to operate a personal computer without a direct contact to keyboard, screen or touch pad. In other words, no one intends to operate a jukebox (if it can be equated with PC) from a distance using a cell telephone to initiate downloading and program running. An important difference is that Applicant uses the Internet connection for downloading, "server having a storage device, for receiving, via Internet, control data by which the data processing device operates and stores the received control data in the storage device, and for sending the stored control data to the data processing device via the Internet according to a request;..." (Claim 3, emphasis added). However, there is no intention in Nathan et al. to operate the jukebox system without a direct access to the system. Taking into account the fact that the references to Berstis and Nathan et al. both do not use a cellular phone to access a personal computer they cannot be considered as relevant to the present invention.

Finally, the Examiner relies on the reference to Kelly et al. in order to compensate for the deficiencies of both Berstis and Nathan et al.. The patent to Kelly et al. in general discloses an interactive data service system in which an application on a server may be accessed by a radiotelephone. Kelly et al. aims to improve a mobility of the system allowing a user to access a home server not only from a home site but also from visited sites. What the patent to Kelly et al. has in

common with the present invention is an ability of the system to access a server using Internet. However, the similarity ends here and there is no indication in Kelly et al. to provide an access and operation of a personal computer from a distance using a cellular phone and server as the Applicant claims.

The Examiner erroneously states that it would be obvious to one of the ordinary in the art to combine these three teachings to create the present invention. This conclusion is a wholesale reconstruction of the references unwarranted by what the references in fact teach. First, for the reason that the references to Berstis, Nathan et al. and Kelly et al. do not use an access to a personal computer by a cell phone they cannot be considered as relevant to the present invention at all. Furthermore, let us imagine that a Network Computer (establishing a telephone communication line between a user and a server) of Berstis will be combined with the jukebox of Nathan et al. (having an ability to download audio or video files from a local server via telephone network) and a cellular radiotelephone of Kelly et al. (providing an access to Internet for a user by a cellular radiotelephone). It would not, in any event, produce the claimed invention or even a functional device.

In summary, the patentable novelty of the present invention resides in providing a user a special feature to download and run control data from his or her home computer using only a cellular phone without a physical contact to the personal computer. No one reference shows an intention to do that or shows the system wherein a home personal computer is run when a user just connects with a server and personal computer through the Internet by a cell phone. It should be respectfully noted that in all three references an operator is presented in front of computer (using a keyboard, display, touch pad) in order to operate it and even if some operations of the claimed process are shown by the references it does not mean that there is a suggestion to create the system analogous to the Applicant's.

The Examiner is reminded of the basic considerations which apply to obviousness rejections as set out in MPEP 2141. Specifically, "When applying 35 U.S.C. §103, the following tenets of patent law must be adhered to:

"(A) The claimed invention must be considered as a whole;

(B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;

(C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and

(D) Reasonable expectation of success is the standard with which obviousness is determined.”

The Examiner has taken three rather diverse systems and tried to combine them based on Applicant's own disclosure. It is not even clear that the reconstructions which are proposed would result in an operable system, particularly since the references each resolve different problems and relate to different systems. The rejection is clearly without merit and should therefore be withdrawn.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1 to 4 and 9 to 12 be allowed, and that the application be passed to issue. The prior art cited but not relied on by the Examiner has been reviewed, but for the reasons already advanced, that prior art is similarly not relevant to the invention as claimed.

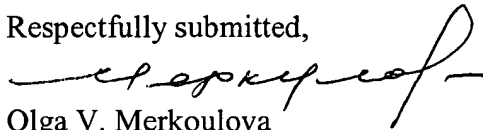
Docket OSP-10643
Serial No.: 09/851,967

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Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson, P.C.).

Respectfully submitted,



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